IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 32389 of 2006(E)

AGAINST THE ORDER IN EP 622/05 IN
OS.1560/2004 of PRL.M.C.,IRINJALAKUDA

.....

PETITIONER:

ANTO, S/O.MUTTHUNKUZHY OUSEP,
ALOOR VILLAGE, DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.T.N.MANOJ

RESPONDENTS:

ALOOR KURIES (P) LTD.,
ALOOR REPRESENTED BY THE MANAGING DIRECTOR.

BY ADV. SRI.JIJO PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.32389/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PETITION DATED 20.11.2006

EXT.P2: COPY OF THE PETITION E.A. NO.1614/06 DATED 20.11.06

/TRUE COPY/

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 32389 of 2006

Dated this the 2nd day of July , 2007

JUDGMENT

Having regard to the rival submissions addressed at the bar, particularly those of Sri.Manoj T.N., the learned counsel for the petitioner that the petitioner has promptly complied with the condition imposed by this court while granting stay on 6.12.2006, I am of the view that this writ petition can be disposed of issuing the following directions:

The petitioner shall pay further amount of Rs.5,000/- (Rupees Five Thousand only) towards the decree debt within three weeks from today. Once the Execution Court notices receipt against the payment of that amount, the court will take up Ext.P2 application filed by the petitioner for setting aside ex-parte decree, hear both sides and take a correct decision on Ext.P2. The order of stay presently passed by this court will continue till such time as Ext.P2 is disposed of. If the petitioner defaults in paying the payment of Rs.5,000/- as ordered under this judgment, he will forfeit the benefit of this judgment.

PIUS C. KURIAKOSE,
JUDGE.

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